IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4205 OF 2004

Satyawan @ Sachin Vishnu
Kamble and others ... Applicants

versus

State of Maharashtra ... Respondent

...

Mr. Hudalikar, for Mr. Ujwal R. Agandsurve,
for the Applicants.
Mr. D.R. More, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

3rd November 2004

P.C.:

. Heard Counsel for the parties. Perused the record. Insofar as Applicants Nos. 1 and 2 - Accused Nos. 1 and 2 are concerned - Counsel for the Applicants fairly accepts that no case is made out for grant of bail. Application at their instance is rejected.

. Insofar as Applicants Nos. 3, 4 and 5 -

Accused Nos. 3, 4 and 5 respectively - are concerned, it was argued that their names do not appear in the F.I.R., but they have been implicated on account of extra judicial confessional statement made by the rickshaw driver to the owner of the rickshaw. It was argued that there is no supporting material to bring home the offence as regards Applicants Nos. 3, 4 and 5. This position is, however, counter by the learned A.P.P. relying on the recovery of sword at the instance of Applicant No. 3 and Applicant No. 5 respectively. It is, however, fairly accepted by the learned A.P.P. that besides the extra judicial confessional statement referred to above, there is no other material against the Applicant No. 4 - Accused No. 4. If it is so, the bail application will succeed only with regard to Applicant No. 4 - Accused No. 4. The Application is rejected as against Applicants Nos. 3 nd 5 - Accused No. 3 and 5 - in view of the material on record about their involvement in the commission of offence. Accordingly, this application is allowed only with regard to Applicant No. 4 - Accused No. 4 - on the following terms and conditions.

(a) Applicant No. 4 - Accused No. 4 - Babu @ Rahul Vishnu Bansode - is enlarged on bail in connection with CR.No. 79/2004 registered with Fouzdar Chawdi Police Station, Solapur, on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) with two local sureties in the like amount.

(b) Applicant No. 4 - Accused No. 4 - Babu @ Rahul Vishnu Bansode - shall not enter the jurisdiction of Solapur City for a period of six months from the date of his release except to attend the Court proceedings on the appointed dates. It will be open to the Applicant No. 4 - Accused No. 4 - to apply for relaxation of this condition after expiry of six months.

(c) The Applicant shall report to Tuljapur Police Station once in fortnight on Saturday between 10 a.m. to 1 p.m. or on such other day and time as may be required by the concerned police station during the pendency of the trial.

(d) The Applicant shall not tamper with the prosecution evidence nor shall influence the prosecution witnesses in any manner whatsoever.

(e) The Applicant shall co-operate with the trial Court for early disposal of the case. The District & Sessions Judge, Solapur, is directed to assign the case to the Fast Track Court to ensure early disposal. In the event the trial Court is of the opinion that the Applicant is responsible for creating obstacles in the smooth progress of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)